IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1746 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/04/2004 in WP NO : 7045 OF 2004 on the file of the High Court.)

Between:

The Principal-cum-President, of College Planning and Development Council, Govt.
Arts College, New Town, Anantapur.

..... APPELLANT

AND

K.K.Fakruddin, S/o.Sri Mohammad,
M/s.Mayuri Agricultural Industrial - Commercial
Exhibition Society, Anantapur.

.....RESPONDENT

Counsel for the Appellant : GP FOR HIGHER EDUCATION

Counsel for the Respondent : MR.P.VEERA REDDY

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. It is stated that in the auction conducted on 10th February, 2004, writ petitioner's bid was declared to be highest bid and an objection was raised by M/s Anantapur Exhibition Society that M/s Vinayaka Exhibition Society cannot be permitted to participate in the auction being non-local. Only locals can be allowed to bid in the auction. Auction was abruptly stopped and subsequently the auction was conducted. This auction was challenged by the respondent – writ petitioner alleging that inviting applications afresh was illegal and arbitrary and that auction among the competitors for awarding the right of utilization of the playground of the college during summer vacation as per Advertisement dated 05.02.2004 be ordered. Learned single Judge disposed of the writ petition with direction to the appellant to indicate the reasons for cancellation of the earlier auction and refund the deposit amount, if any. Thereafter it was directed that 1st respondent – appellant will be at liberty to conduct fresh auction.

2. In such like contractual matters, filing of writ petition is not the adequate remedy and person concerned will have to approach Civil Court for redressal of grievances and for that reason, learned single Judge ought not to have directed refund of the amount or for conducting fresh auction. No right had culminated in favour of the writ petitioner – respondent and unless there was any right accrued in favour of the writ petitioner, which could be redressed in a writ jurisdiction, there can be no direction issued unless auction was held to be unreasonable, arbitrary or illegal. Learned single Judge failed to record such findings and for that reason alone, writ appeal is liable to be allowed

and impugned order is liable to be set aside. Accordingly we allowed the appeal setting aside the impugned order and dismissing the writ petition with liberty reserved to the writ petitioner – respondent to take appropriate remedy in accordance with law for redressal of his grievance. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 16.11.2004.

VRK.

To

1. The Principal-cum-President of College Planning & Development Council, Govt. Arts College, New Town, Anantapur.
2. The District Collector, Anantapur.
3. Two CCs to G.P. for High Education, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NO. 1746 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 16.11.2004.